IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5899 of 2007()

CRIME NO. 344/07 OF VALIYATHURA POLICE STATION
CMP.3084/2007 of J.M.F.C.-II,TRIVANDRUM

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PETITIONER/A1 & 2

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1. SANTHOSH,S/O.BABU,TC 71/1773,
PUSHPA HOUSE,ST.XAVIERS NAGAR,VALIYATHURA WARD,
THIRUVANANTAPURAM.

2. VINOD,S/O.BABU,-DO-

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS:

STATE OF KERALA REP.BY ITS PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5899 of 2007

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Dated this the 1st day of October, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 and 2. Altogether there are four accused persons. They face allegations in a crime registered, inter alia, under Section 308 I.P.C. The crux of the allegations is that the injured person was attempted to be wounded by knocking against him in an autorikshaw. The petitioners were arrested on 15.9.07 and they continue in custody from that date. The alleged incident had taken place on 7.9.2007.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. There are disputes between the parties and exaggerated allegations are being raised. The police is only obliging the defacto complainant by raising allegation under Section 308 I.P.C. The petitioners may now be enlarged on bail, submits the learned counsel.

3. The learned Prosecutor does not oppose the application, but points out that the petitioners have criminal antecedents and appropriate conditions may be imposed to allay the apprehension that the release of the petitioners may cause threat to the law and order

situation in the locality. I am satisfied that the petitioners can be granted regular bail, subject to appropriate conditions. In the absence of opposition by the learned Prosecutor, it is not necessary for me to advert to facts in any greater detail in this order.

4. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) They shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) Except for the purpose of complying with condition No.(b) above, the petitioners shall not enter the jurisdiction of Valiyathura Police Station, without the prior permission of the learned Magistrate, for a period of one month from this date.

(R. BASANT)
Judge

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